

Sainte Genevieve County Health Department

Board of Trustees By-Laws

Approved and Adopted by
Sainte Genevieve County Health Department
Board of Trustees
January, 2022

**BY-LAWS OF THE BOARD OF TRUSTEES
SAINTE GENEVIEVE COUNTY HEALTH DEPARTMENT
STATE OF MISSOURI**

The Board of Trustees of the Ste. Genevieve County Health Department, State of Missouri, came into existence by the vote of the people of Ste. Genevieve County on August 3rd, 1976 and exists under the provisions of RSMo §205.010 through 205.150, Revised Statutes of Missouri, 1949, and as amended by House Bill No. 307 of the 66th General Assembly of the State of Missouri (RSMo), and as provided by §205.042; do hereby establish and adopt these By-Laws for its guidance and for the governance of the Ste. Genevieve County Health Department as may be deemed expedient for the economic and equitable conduct thereof.

SECTION I - ORGANIZATION

Article 1:

The Ste. Genevieve County Health Department (hereinafter SGCHD) is operated by and under the exclusive control of the SGCHD Board of Trustees (hereinafter Board). The SGCHD is established, maintained and operated for the improvement of the health of all inhabitants of Ste. Genevieve County. In carrying out its responsibilities, the Board is guided by the desire to use the resources of its community and its staff to provide the highest quality health response permitted by its financial resources. In reaching decisions, the Board will attempt in every case to act in the best interests of the residents of Ste. Genevieve County.

The Board has the exclusive control of the expenditures of all monies collected to the credit of the SGCHD, the purchase of sites, the purchase or construction of any SGCHD buildings; approval of plans and specifications for all buildings that may be erected or constructed, the supervision, care and custody of the grounds, rooms and buildings purchased, constructed, leased or set apart for SGCHD purposes; the appointment of the Administrator of the SGCHD, the appointment and removal of such personnel as may be necessary and the fixing of their compensation, the determination annually of the rate of the county tax levy for the SGCHD within the maximum rate authorized by the vote of the people of the county, the authority to enter into contracts and agreements with Federal, State, County, School and the Municipal governments and with private individuals, partnerships, firms, associations and corporations for the furtherance of health activities, except as by law prohibited, and the authority to generally carry out the spirit and intent of RSMo §205.010 to 205.150, pertaining to the establishing and maintaining a county health department. (RSMo §205.031, §205.042 and §205.050.)

The Board Trustees shall abide by Missouri Statutes, RSMo Chapter 205; §205.010 to §205.150 and Chapter 610; §610.010 to §610-200; the Sunshine Law, etc.

Article 2:

Board of Trustees

Scope of Authority - Board shall exercise full rule and management authority for the SGCHD by adopting policy and directing all procedures necessary for the governance of SGCHD responsibilities.

Term - The Board consists of five (5) trustees who are residents of Ste. Genevieve County, each elected by the people, for a four (4) year term. Trustees are elected at a municipal election the first Tuesday after the first Monday in April in years when terms of certain Board members expire.

Resignation - Any member of the Board who resigns, or changes residency to outside of Ste. Genevieve County, or otherwise vacates said office shall be considered to have vacated such office and same shall be reported to the County Commission of Ste. Genevieve County for the appointment of a replacement to hold office until the next municipal election, when such vacancy shall be filled by election of a Trustee to serve the remainder of the term vacated.

Duties of Board Members

The purpose of the Board is:

1. To govern and control the affairs of the SGCHD as provided by law.
2. To discover and interpret the needs, attitudes and interests throughout the County as a guide to developing and setting priorities for health programs for residents.
3. To exercise judgment in reviewing, considering and voting on policies affecting county residents, and the operations of businesses and facilities within the County.
4. To oversee the management and fiscal control of the SGCHD as provided by law and to review, evaluate and judge the effectiveness of the SGCHD's programs.

In addition, members of the Board will:

1. Work through the Administrator and his/her staff.
2. Support the Administrator's efforts to recommend the most qualified persons as employees.
3. Reinforce the efforts of the Administrator and the staff so that they may perform their assigned responsibilities in the most effective manner.
4. Provide the Administrator counsel as requested or required.

5. Make every effort to keep all citizens informed about the quality and condition of matters affecting public health in the County.
6. Initiate and implement all efforts to secure adequate financial support for the SGCHD.
7. Assure that all transactions of the SGCHD are ethical, open and above-board.
8. Hire the SGCHD Administrator.
9. Terminate employees either upon recommendation of the Administrator or on its own motion.

Meeting Attendance and Participation - Members shall attend all regularly scheduled Board meetings insofar as possible. Any member failing to attend the meeting of the Board for three (3) consecutive regular meetings, unless excused by a majority of the Board for reasons satisfactory to the Board, shall provide sound reason for their absence. Attendance for purposes of this provision shall be defined as actual, physical (or virtual, as allowed by law and in the case of emergencies) attendance at a Board meeting until all of the business of the Board has been completed unless a member is excused by a majority of the Board. Members shall come to Board meetings informed concerning the issues to be considered. When voting, members shall avoid abstaining except when required by statute or Board policy. The members of the Board have been elected to make difficult decisions on behalf of the residents of the County and employees of the SGCHD. The concept of trusteeship requires each member to review the issues under the Board's consideration and to take a respectful stand regarding those issues. A member who has conformed to the above-described tenets of knowledge, open discussion, respect, independent judgment, and independent and civility should be prepared to cast a vote on each of the issues before that member.

Delegation of Matters to the Administrator - Members shall work with other Board members to establish effective Board policies and to delegate authority for the administration of the SGCHD's facilities to the Administrator. Members shall not attempt to by-pass, undermine, or usurp the Administrator's authority and responsibility for the daily operation of the SGCHD.

Conflict of Interest and Authority - Members shall not solicit or accept gifts, payments, or anything greater than a nominal value item or holiday gifts of nominal value from any person, organization, group, or entity doing business or desiring to do business with the SGCHD. Members shall avoid being placed in a position of conflict of interest and shall not use their Board position for personal or other gain. Members shall conduct themselves in accordance with the conflict of interest policy and disclosure requirements prescribed by statute and Board policy. When attending functions outside of the SGCHD but speaking on matters concerning to the SGCHD, the member shall indicate to those present that s/he is an individual member of the Board, without the authority to act individually, and shall direct those present to the Chairperson and/or Administrator for any questions pertaining to execution and administration of policy and outreach.

Members, if contacted by a vendor requesting information about the SGCHD's bidding procedures, whether of a general nature or with regard to specific goods or services to be bid, shall provide the vendor with the name and business telephone number of the SGCHD Administrator.

Maintenance of Confidentiality - Members shall not disclose confidential information. Information is confidential if it is (a) communicated during a closed meeting; or (b) concerning employees of the SGCHD; or (c) exempt from disclosure under the Sunshine Law; or (d) otherwise communicated with a mutual understanding of confidentiality.

Article 3: Officers

The Board shall, at their first regular meeting after the certification of each municipal election by the Election Authority, invite the County Clerk to qualify any newly elected Trustee by administering the oath of civil officers, and shall then elect one of their number as chairperson, one as vice-chairperson, one as secretary and one as treasurer, to hold office until their successors as duly elected or appointed and qualified.

Article 4: Duties of Officers

The following officers shall have the following duties and others as may be assigned:

A. Members of the Board

Before taking office, each Trustee shall subscribe to an oath to conduct his or her self faithfully in office. The Board shall hold meetings at least once each month. One of the Trustees shall visit and examine the SGCHD at least twice each month. (RSMo §205.042.)

B. Chairperson

It shall be the duty of the Chairperson to:

1. Preside when present at all Board meetings.
2. Sign all warrants, etc., ordered drawn, or required, by the Board.
3. Sign all contracts or documents as appropriate by virtue of approval of the Board or by virtue of holder if the office of Chairperson, except in cases where the signing and execution thereof shall be expressly delegated by the Board or by these By- Laws to some other officer or agent of the SGCHD.
4. Call special Board meetings when, in that person's judgment, meetings are necessary.
5. Perform any other duties authorized by the Board or by state law.

C. Vice-Chairperson

The Vice-Chairperson shall preside over meetings of the Board in the absence of the Chairperson and perform such other duties as may be determined by the Board.

D. Secretary

As official Secretary of the Board, the Secretary may issue notices of meetings; shall be responsible to see that the minutes of Board meetings are kept and perform such other duties as may be determined by the Board. S/he may delegate his/her responsibility for posting of notices, agendas and recording of minutes to an employee of the SGCHD. S/he may create and file all reports as required by law, sign all documents and/or orders as appropriate after approval of the Board, and receive and acknowledge official correspondence of the Board. S/he shall also preside at Board meetings upon the absence of both the Chairperson and Vice-Chairperson until a Chairperson Pro Tem can be chosen, or if a quorum is present.

E. Treasurer

The exclusive control of the Board over the expenditures of all money collected to the credit of the SGCHD Fund and other monies received by the SGCHD is supervised by the Treasurer and carried out by such officers as the Board may direct. All funds received by the SGCHD shall be paid out only upon properly presented, and authenticated, vouchers pursuant to RSMo §205.042, and as authorized by Federal law, such as 12 U.S.C. 5001, et seq. The Treasurer shall also perform such other duties as may be determined by the Board.

E. Administrator

The Administrator is the senior executive employee of the SGCHD. It is the Administrator's responsibility to carry out the policies, rules, regulations, by-laws and decisions of the Board. The Administrator, under general Board guidance, is responsible for the supervision and day-to-day operation of the SGCHD's programs and personnel. The Administrator shall serve at the will of the Board for such compensation, duties and authority per RSMo §205.042. The Administrator shall be the "custodian of records."

The Administrator's duties shall include:

1. Preparation of an agenda for each meeting and cause the same, together with other appropriate meeting information, to be given to the Board as well as distributed to the public;
2. Preparation and presentation to the Board for approval an annual budget, which is required to be filed with the County Commission on or before January 7th each year showing a projected financial state of affairs for the forthcoming year (RSMo §205.090);

3. Supervision and guidance of all employees;
4. The recommendation, and screening, of prospectively new SGCHD employees;
5. The recommendation for termination of an employee;
6. Overseeing the day-to-day operations of the SGCHD;
7. Maintaining a current written description of each allocated employee position;
8. Provision of fiscal accounting to the Board at each regularly scheduled meeting;
9. Presentation of payables with documentation and/or invoices of expenditures for approval;
10. Provision for the evaluation of all employees;
11. Maintaining good outside public relations regarding the SGCHD;
12. Initiating personnel actions authorized by the Board;
13. Performing such other duties as may be determined by the Board;
14. Attendance and participation in all meetings of the Board, except when his/her own employment status is being considered, or as otherwise directed by the Board;
15. Enforcing all provisions of applicable municipal, state and federal laws, policies and regulations of the Board, make recommendations for any changes of policy or regulation which may be warranted;
16. Responding to situations requiring discretion because they are not covered by existing policies; reporting the action to the Board as soon as possible thereafter;
17. Communication of policies and directives of staff interest and concern to staff members;
18. Employing such media as appropriate to keep staff informed of Board's concerns and actions;
19. Notifying the Board if absent from the SGCHD beyond three (3) consecutive business days.

SECTION 11 - MEETINGS OF THE BOARD

Article 1:

Pursuant to RSMo §205.042, the Board shall hold at least one meeting each month at such time and place as may be fixed by Resolution of the Board, which Resolution may be adopted to continue until changed, or may be adopted at any meeting for the next one (1) or more meetings. Notice of the meetings of the Board shall comply with Chapter 610 of the Missouri Revised Statutes, i.e. the Sunshine Law.

Article 2:

Three (3) Trustees shall constitute a quorum and except as otherwise specifically provided, the action of a majority of the quorum shall be the action of the Board. In the case of an emergency of the SGCHD and where a vote is required and a quorum of the Board is present, less than a quorum of the Board may also participate by electronic means. Members of the public must be able to share in open meetings.

Article 3:

Special meetings may be called by the Chairperson, or either by the Vice-Chairperson or Secretary acting in the absence of the Chairperson, at any time. All members shall be notified of such special meetings at least three (3) days prior, except in case of emergencies as determined by the officer calling the meeting. Special meetings may be called upon twenty-four (24) hours notice with proper notification given to the public. If an extraordinary meeting is required and twenty-four (24) hours notice cannot be given then *Good Cause* for said meeting shall be recorded in the minutes.

Article 4:

The Secretary shall be responsible for minutes of meetings and their being recorded.

Article 5:

Any portion of a meeting may be closed for any reason contained in §RSMo 610.021.

Consultant reports involving open records matters which were prepared for the SGCHD are deemed to be open records.

In order to enter a closed meeting, a motion must be seconded and approved by a roll call majority vote. The motion to enter a closed meeting must reference the specific statutory matters to be discussed. Any Board member may object to the closing of a meeting, record or vote if the member believes the motion to close violates the Sunshine Law; said member must object at or before the motion to close is voted upon and must vote against closing. The member shall be allowed to fully participate in any subsequent meeting or vote. The objecting member shall be immune from any liability for improper closure of a meeting.

The Board reserves the right as provided by law to close meetings, records and votes as they relate to specific matters. All discussion and action by the Board in a closed meeting must be related to the reasons set forth in the motion to enter the closed meeting. The minutes of the closed meeting shall be recorded and maintained separately.

Article 6:

The Board shall generally adopt *Robert's Rules of Order* for conducting meetings, with the exception that only a member who makes a motion may amend the motion.

Article 7:

The Board welcomes public comment and may allow such at Board meetings, as time and circumstances permit. In the event the Board allows public comment, those members of the public wishing to speak must provide his/her name and address within the county prior to speaking. If more than two (2) people wish to speak on the same topic, the Board may request that a spokesperson be appointed for the participants. The Board may limit the time allotted for public comment and shall announce such limit at the commencement of the public comment portion of the meeting. The public being allowed to speak at open SGCHD Board meetings is a privilege granted at the expediency of the SGCHD Board (*per Missouri Sunshine Law – Open Meetings and Records Law, Office of the Attorney General booklet, revised February 2019, page six (6), bottom.*)

The Board permits its open sessions to be audio or video recorded subject to the restrictions defined in Missouri's Sunshine Law.

Article 8:

Order of Business - The Chairperson, upon taking the chair, shall call the members to order, on the appearance of a quorum. Unless changed via motion(s), the order of business shall generally be:

- Call to Order
- Announcements
- Public Comments, upon Board approval
- Approval of Consent Agenda
- Administrator Report
- Enumerated points requiring discussion
- Old Business
- New Business
- Adjournment

Agenda - An agenda for each regular, special or proposed closed meeting of the Board shall be prepared by the Administrator, in consultation with the Board Chairperson, and shall be included in any public notice of such meetings. Any member of the Board may request items to be placed on the agenda. The agenda, related materials and minutes of the previous meeting may be sent collectively to each Board member at least three (3) calendar days prior to the meeting unless a special emergency meeting is called at a time which negates the required notice.

Confidential documents pertaining to SGCHD personnel may be excluded from data sent. The Administrator may collect documents or any portion thereof at the conclusion of the meeting.

A member may take his/her own notes during the meeting; however, disclosure of notes outside of the SGCHD which are taken during a closed meeting is expressly prohibited unless required by law.

The agenda for each meeting of the Board shall be adopted by a vote of the majority of those Board members present. If the agenda is to be modified, a motion and vote of the majority of those Board members present shall approve the modifications. Once modified, an additional motion and vote shall approve a final agenda.

The agenda for closed meeting shall be on a separate document; however a motion to enter a closed meeting, during an open meeting, shall be voted on during the open meeting and must reference the specific topics under the provision of RSMo §610.021.

SECTION I11 - FISCAL

Article 1:

All checks (warrants) or electronic payments shall be prepared under the direction of the Administrator of the SGCHD. Such checks (warrants) or electronic payment requests shall be presented to the Board at their regular monthly meeting or at such other meeting as is appropriate. The Board shall approve or disapprove said requested payments and for those payments approved authenticated vouchers of the Board shall be executed.

Article 2:

Checks (warrants) for pay of personnel, travel reimbursements of personnel and for expenditures against the SGCHD petty cash accounts may be executed by any Board member and one other designated signature upon authentication of vouchers. Expenditure authority may be granted by the Board to the Administrator of the SGCHD for items less than five hundred dollars (\$500.00) that have been budgeted, with the exception of the Administrator's personal expense reimbursement items which must be approved the Board.

Article 3:

A petty cash account shall be maintained in the amount of three hundred dollars (\$300.00). This fund shall be controlled by the Administrator of the SGCHD. The Administrator or the Administrator's designee shall maintain a ledger for the petty cash account that is itemized together with receipts for all expenditures therefrom. The Administrator or Administrator's designee shall each month, or when necessary, submit to the Board an itemized account for reimbursement of ex-

penditures from the petty cash fund, together with receipts for all such expenditures, so as to replenish said fund.

Article 4:

Purchases;

A. Purchases from petty cash to the extent of \$300.00 per month are under the control of the Administrator and such purchases may be made as directed by the Administrator.

B. For purchases of \$4,000.00 or less for property and services budgeted, and in an amount not to exceed the budgeted allowance, the Administrator may make the purchase without bid.

C. Purchases for property and services budgeted, with a cost of over \$4,000.00, may be purchased by the Administrator after competitive bids have been acquired if the purchase is made from a low bidder.

D. If the price of the purchase for property and services which are budgeted and within the budgeted amount, and at a cost of over \$4,000.00 and has been set as a result of a governmental competitive bid process, the Administrator may make the purchase without bid to a maximum of \$6,000.00.

E. All other purchases shall be ordered by the Board after receiving competitive bids (preferably three) for selection of the vendor and concluding the purchase.

F. Solicitation of bids shall be advertised with respect to all purchases over \$6,000.00.

G. The Board may waive, or make exceptions to, bid requirements.

Article 5:

Bills or invoices for purchases shall be reviewed by the Administrator or responsible employee indicating the receipt of the item or service involved.

SECTION IV - OPERATIONS AND ADMINISTRATION

Article 1:

At the regular meeting of the Board occurring in October of each year, the Administrator shall present to the Board a summary of proposed major public health programs and activities to be undertaken during the following year. Such programs may be revised by the Board. Upon approval by the Board, these programs shall constitute the SGCHD directives for the following year's operations. Activities may be added to or deleted upon recommendation of the Administrator.

Article 2:

The Administrator of the SGCHD shall have the following authority, responsibility and limitations:

A. S/he may contact other local agencies and the County Commission as may be necessary.

B. S/he shall be responsible for management and control of the day-to-day operations of the SGCHD, including but not limited to:

1. Supervise, recognize or discipline personnel as events may affect.

2. Clinic scheduling.

3. Office equipment and supplies (may be delegated).

4. The submission of requisitions (may be delegated).

5. Receipt of merchandise (may be delegated).

6. Maintenance of office equipment and repairs thereof (may be delegated).

7. Janitor service (may be delegated).

8. Maintenance of inventories (may be delegated).

C. S/he may, through subordinates, keep all administrative records, including time sheets, payroll and similar employee records.

D. S/he may approval expense accounts, with potential review by the Board.

E. S/he may, through subordinates, create and assembly reports for Board review.

F. S/he is responsible for administration, but not necessarily for defining the scope of practice of specific licensed personnel, unless the Administrator is licensed in that area.

Article 3:

The Administrator may consult with the Department of Health and Senior Services (hereinafter DHSS) of the State of Missouri regarding technical supervision and assistance to the personnel of the SGCHD and to periodically advise the Board as to the technical efficiency of its personnel.

Article 4:

Personnel of the SGCHD may be hired or discharged *at-will* only by a majority vote of a quorum of the Board at a meeting thereof, provided however, it may delegate authority to the Adminis-

trator to hire an employee or employees when a position becomes available. The Administrator will consult with a quorum of the Board at the next meeting of the Board to determine if hiring authority for that position is delegated to the Administrator. If so, the qualifications of the person hired by the Administrator will be presented to the Board. If hiring authority is not delegated the employment and academic history of, at most, three qualified applicants will be presented to the Board with a recommendation from the Administrator, and the hiring decision will be made by a majority vote of a quorum of the Board, provided that the qualifications of all persons employed in the operation of SGCHD shall be at least equal to the minimum standard of qualifications as set forward by the DHSS or its successors for positions of like importance and responsibilities (RSMo §205.110).

Article 5:

Personnel of the SGCHD shall be subject to all its rules and regulations.

Article 6:

A Board member may receive reimbursement for expenditures incurred in certain events where the Board member represented the SGCHD. An itemized statement of all such expenses and money paid out shall be submitted to the Administrator and allowed only by the affirmative vote of all present members of the Board at the next Board meeting (RSMo §205.015.)

Article 7:

The Board shall not enter into contracts for the private practice of medicine, nor shall any of its personnel practice medicine nor dispense drugs, vaccines or serums for personal gain, nor shall its facilities be used for such purpose in any way, except as it may be necessary and agreed upon between the Board and County Commission for the care of the indigent for whom the Commission may be responsible, or except in furtherance of diagnostic and communicable disease control programs. (RSMo §205.060.)

Article 8:

Any person, firm, organization, society or corporation desiring to make donations of money, personal property or real estate for the benefit of the SGCHD, shall have the right to vest title of such property so donated, in Ste. Genevieve County, to be controlled when so accepted by the Board of the SGCHD according to the terms of deed, gift, devise or bequest of such property. (RSMo §205.070.)

SECTION V - HARASSMENT, DISCRIMINATION AND RETALIATION

The SGCHD is committed to maintaining a workplace environment that is free from discrimination, harassment, and retaliation in admission or access to, or treatment or employment in, its

programs, services, activities and facilities. The SGCHD is committed to providing equal opportunity in all areas of recruiting, hiring, retention, promotion and contracted service. Harassment or discrimination because of an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law is prohibited by the Board. The Board also prohibits retaliation against a person who files a complaint of discrimination or harassment or participates in an examination of allegations of harassment or discrimination.

In its programs and activities, the SGCHD does not discriminate on the basis of race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law and as required by Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Title II of the Americans with Disabilities Act of 1990, and state law.

This provision governs the SGCHD's compliance with the laws identified above. The SGCHD Administrator shall coordinate compliance with the laws identified above, including to handle inquiries or complaints regarding the SGCHD's non-discrimination policies.

In the event the complaint is about the Administrator, the Board shall examine events.

The Administrator shall:

1. Receive complaints of discrimination or harassment based on an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law.
2. Oversee the examination process and may consult the Board as circumstances dictate.
3. Assess the training needs of SGCHD staff and Board members in connection with the dissemination, comprehension, and compliance with this provision.
4. Arrange for necessary training required for compliance with this provision.
5. Ensure that examinations are conducted without bias.
6. Shall notify all employees of their need to abide by Board policies and regulations.

Definitions - For the purpose of this provision, the following terms are defined:

Day: A calendar day. All timeframes and deadlines may be extended by the Board for Good Cause, including but not limited to Board-approved holiday breaks and building closures.

Disability: A physical or mental impairment that substantially limits a known life activity.

Discrimination: Adverse conduct directed at an individual or group based on race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law. The encouragement, cooperation, coercing, or support of adverse conduct that is based on race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law is discrimination.

Harassment: Harassment is conduct, including but not limited to, intimidation, ridicule or insult, toward an individual or group because of race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law or is so severe or pervasive that it:

- Affects an individual's ability to work in, participate in, or benefit from a program or activity provided by the SGCHD; and
- Creates an intimidating, threatening, abusive hostile or offensive environment; or
- Has the purpose or effect of substantially or unreasonably altering the work environment.

Harassment shall also be defined as (1) using threatening, abusive or demeaning language within, or beyond, sight or hearing of other employees or members of the public, (2) put-downs, or (3) such words or actions that result in a negative employment action, e.g. failure to promote or hire; loss of wages, employee termination or abundant tardiness or absenteeism.

For the purposes of this provision, sexual harassment is defined as unwelcome conduct of a sexual nature or based upon sex when, (a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or consequence is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or (b) the work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the SGCHD's programs and activities or the conditions of employment.

Retaliation: Adverse conduct including, but not limited to, conduct of a coercive, intimidating, threatening, discriminatory, or harassing nature because of an individual's good faith complaint, participation in the examination, testifying, or resolution of discriminatory or harassing conduct based on an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Legitimate, non-sexual physical conduct necessary to avoid physical harm to persons or property, to console an individual, or spontaneous movement during a sporting activity is not sexual harassment.

Depending on the circumstances and application of the definitions immediately above in this provision, examples of conduct which may or may not constitute sexual harassment, include, but are not limited to:

- Sexual advances;
- Request for sexual favors;
- Threatening an individual for not agreeing to submit to sexual advancement;
- Sexually motivated touching of an individual's intimate parts;
- Coercing, forcing, attempting to coerce/force the touching of an person's intimate parts;
- Drawings, graffiti, cartoons, pictures, symbols or written material of a sexual nature;
- Sexual gestures;
- Sexual or dirty jokes;
- Sexually provocative or explicit speech;
- Communications about or rating an individual's body, sexual activity, or performance;
- Verbal abuse of a sexual nature.

Examples of conduct that may be considered harassment based on an individual's race, color, national origin, ancestry, religion, disability, age, or genetic information, or any other characteristic that is protected by law include, but are not limited to:

- Display of drawings, graffiti, cartoons, pictures, symbols or other written material;
- Jokes;
- Gestures;
- Slurs, derogatory stereotypes or remarks, rumors, name-calling, insults, teasing, taunting;
- Threats or intimidating conduct;
- Hostile action, physical aggression or violence;
- Damage/theft of property

The Board is steadfastly committed to providing an inclusive environment that is free from discrimination and harassment for its entire staff. Unless a concern is informally resolved, staff shall report all incidents of discrimination, harassment and retaliation to the Administrator as set forth in this provision. When a formal complaint is filed with the Administrator, the examination and complaint process detailed below will be used, including a possible determination by the Administrator that the incident has been appropriately addressed through the informal process. Reports of discrimination, harassment and/or related retaliation must contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary examination procedures.

The Board will take action to protect a complainant or persons subjected to discrimination, harassment, or retaliation as necessary during the course of an examination. Appropriate interim measures will be offered and may include, but are not limited to, physical separation, contact limitations, reassignment, alternative work or assignments, altering assignments, additional super-

vision, counseling, training, warning, conferences, exclusion and employee suspension pending an examination as permitted by the Board's policies and law. Additional interim measures to prevent retaliation may include, but are not limited to, notification of the retaliation prohibition, confirming the individual knows how to report retaliation, and follow-up contact.

The Board will examine allegations of harassment, discrimination, and/or retaliation and take appropriate steps reasonably calculated to resolve the situation, eliminate the misconduct, prevent its recurrence and as appropriate, remedy its effects. The Board will take equitable and remedial action within its authority on complaints that come to the attention of the Board, either formally or informally.

Engaging in harassment, discrimination, and/or retaliation will result in appropriate discipline or other appropriate sanctions against offending staff, Board members or other third parties involved in SGCHD activities. Anyone else who engages in harassment, discrimination, and retaliation on Board property or at SGCHD activities will have their access to Board property and activities restricted, as appropriate.

The Board takes seriously the obligation to examine complaints of discrimination, harassment, or retaliation and to take appropriate remedial measures when necessary. The Board recognizes that the obligation to examine and provide remedy may be accomplished through an informal process, depending on the circumstances.

Anyone may use informal procedures to report and resolve complaints of harassment, discrimination, and retaliation. If a staff member receives an informal complaint of harassment, discrimination, and/or retaliation and the complaint cannot be resolved informally, the staff member shall inform the Administrator who may attempt to resolve the matter informally and should inform complainants of this provision.

Employees shall provide information to the Administrator on a regular basis about complaints reported and resolved through any informal process.

Informal complaints may become formal complaints at the request of the complainant.

In the event informal procedures are ineffective, the complainant may make a formal complaint, as follows:

Complaint to the Administrator

Anyone may initiate a formal complaint of harassment, discrimination, or retaliation by filing a written complaint with the Administrator. At any step in the formal resolution process, where appropriate, the Board may take interim measures to protect the complainant or alleged victim before the final outcome of the Board's examination. A subordinate shall not examine his/her supervisor.

The following process will be followed:

Step One - Filing of Complaint

All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute harassment, discrimination or retaliation. The Administrator shall draft the complaint based on the report of the complainant for the complainant to review and approve. The Administrator may also conclude that the Board needs to conduct an examination based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.

Formal complaints shall be submitted to the Administrator.

A charge or complaint of discrimination, harassment, or retaliation filed with an outside agency does not constitute a formal complaint or trigger an obligation to follow the formal complaint examination procedures as contemplated under this provision.

Step Two - Examination of Complaint

The Administrator will receive and examine all formal, written complaints of harassment, discrimination or retaliation. The Administrator will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Administrator will provide the complainant a copy of this provision.

Examinations will be carried out in a manner that is adequate in scope, reliability and impartiality. During the examination process, the complainant and accused party or parties, if the complainant has identified an accused party, will have an opportunity to identify witnesses and present relevant evidence. The Board and complainant may also agree to resolve the complaint in lieu of an examination.

When the examination is complete, the Administrator will compile a written report of the examination. The report may include a recommendation of appropriate action to remedy the allegations included in the complaint.

Step Three - Response to Complaint

The Administrator will review any/all report(s). The Administrator will respond in writing with a *Letter-of-Determination* to the complainant and the accused party within thirty (30) calendar days of the Administrator's receipt of the written complaint, unless otherwise agreed to by the complainant or if circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the Board will notify the complainant in writing of the reason for the extension and the anticipated response date.

The *Letter-of-Determination* will include a statement of the outcome of the examination including whether a preponderance of the evidence establishes that harassment, discrimination, and/or retaliation occurred in violation of this provision. If a violation is found to have occurred, the assurance that the Board will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate must be included. If no violation was found to have occurred, the *Letter-of-Determination* must provide the complainant notice of the right to appeal to the Board and the necessary filing information.

Any corrective measures deemed necessary will be instituted as promptly as reasonable.

If the Administrator is the subject of the complaint, the actions set forth herein to be completed by the Administrator shall be completed by the Board Chairperson.

Step Four - Appeal to Board

The complainant or accused party may appeal to the Board by filing a written notice of appeal with the Secretary of the Board within ten (10) calendar days following receipt of the *Letter-of-Determination*.

On receipt of the written appeal, the Board shall conduct a closed meeting for deliberation. Said closed meeting shall take event as a part of the next regularly scheduled Board meeting or as may be determined by the Board.

Parties will be allowed to provide comment and information as the Board deems relevant and material.

Step Five - Board Decision

Unless otherwise agreed to by the appealing party, the Board will provide written notice of its determination within thirty (30) calendar days following the filing of the notice of appeal and provide the appealing party with a copy of the determination.

The Board will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses to the extent possible, consistent with applicable law, the Board's legal obligations to perform an examination, to take appropriate action, and to conform to any discovery or disclosure obligations. However, pursuant to the Board's discretion, information may be disclosed, if necessary, to aid in the examination, resolution, or appeal of the complaint.

The Board will take prompt, effective and appropriate action to address substantiated discrimination, harassment or retaliation, prevent its recurrence and remedy its effects.

SECTION VI - BY-LAWS, RULES AND REGULATIONS

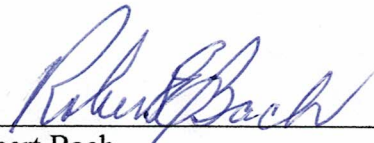
The Board Trustees shall make and adopt By-Laws, Rules and Regulations for its own guidance as allowed by Missouri Statute, RSMo Chapter 205; §205.010 to §205.150 and Chapter 610; §610.010 to §610-200.

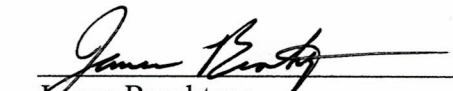
At any meeting of the Board, policies governing the SGCHD may be enacted, amended or repealed by a majority vote. The formal adoption of policies shall be recorded in the minutes of the Board. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

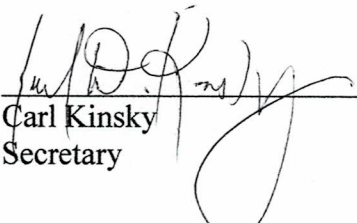
The Board shall review written policies on a continuing basis to ensure consistency and legality of Board action and administrative decisions. Policies shall be reviewed and revised as a result of newly enacted state and/or federal legislation, court decisions, as a result of research and/or policy development as presented by state and/or national organizations and agencies, or for other reasons as determined by the Board.

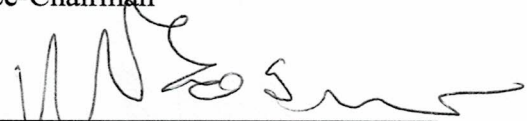
During periods of time in which the SGCHD maintains a web site, the Board's policies will be posted on the web site.

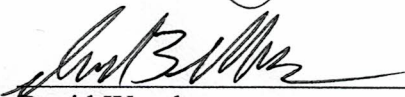
Enacted and adopted by the Board of the SGCHD on the **24th** day of **January, 2022**


Robert Bach
Chairman


James Brochtrup
Vice-Chairman


Carl Kinsky
Secretary


Matthew Bosner
Treasurer


David Woods
Board Member